

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29266 of 2025

Arising Out of PS. Case No.-12 Year-2013 Thana- D.R.I District- Patna

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Prem Kumar @ Prem Kumar Parbat @ Prem Kr. Parvat Son of Late Rajendra Parbat Resident of Village and Post - Chhap Mathiya, P.S.- Mirganj, District - Gopalganj

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Union of India Through Narcotics Department (DRI) New Delhi

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Shadab Akhter, Advocate
For the Opposite Party/s	:	Dr. Ajeet Kumar, APP
For the DRI	:	Mr. Anshuman Singh, Sr. SC

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

6 25-07-2025 Heard learned counsel for the petitioner and learned counsel for the Directorate of Revenue Intelligence (DRI).

2. The petitioner has renewed his prayer for bail in connection with Special Case no. (N.D.P.S.)12(A) of 2013 arising out of DRIF No.718(II)03/SEIZ/MSRU/2013/215 registered under sections 20, 25 and 29 of the Narcotic Drugs and Psychotropic Substances Act (NDPS Act).

3. As per the prosecution case, on secret information having been received by the officers of the Directorate of Revenue Intelligence (DRI), Patna, the vehicle in question was intercepted and on search, 16 bundles of *ganja* weighing a total of 164 kgs was recovered. The petitioner and others were taken



into custody, however, it is further stated that soon thereafter the petitioner managed to escape.

4. It is submitted by learned counsel for the petitioner that the earlier prayer for bail of the petitioner was rejected vide order dated 11.1.2023 passed in Cr. Misc. no. 22528 of 2022 and again vide order dated 30.8.2024 passed in Cr. Misc. no.12863 of 2024. In spite of the petitioner having remained in custody since 13.3.2020, there is no progress whatsoever in the case and no chance of the same concluding in the near future. The petitioner undertakes to cooperate in the trial and to abide by any conditions which may be laid by this Court for his release on bail.

5. The application for bail is opposed by learned Senior Standing Counsel appearing for the DRI. Referring to the counter affidavit filed on behalf of the respondent- DRI, Regional Unit, Muzaffarpur, it is submitted that information having been received about narcotic drugs being carried on the vehicle in question, the same was intercepted. The petitioner who was driving the vehicle and is also the co-owner thereof was taken into custody along with one another, however, soon thereafter the petitioner fled away and could not be caught in spite of all efforts by the authorities of the DRI. Learned



counsel submits that a total of 164 kgs of *ganja* was recovered and in the Forensic Science Laboratory report, the same has been confirmed to be *ganja*. The co-accused Kalicharan Sah who was arrested along with petitioner was subsequently convicted and sentenced to RI for 10 years and to pay a fine of Rs.1 lakh. Learned counsel further submits that the petitioner having absconded in the year 2013 continued to remain at large for 7 years till he was taken into custody on 13.3.2020. Referring to the contents of the statement in paragraph no.3 of the petition it is submitted that at least 4 of the cases in which the petitioner is an accused were occurrences which have taken place at the time when the petitioner was absconding. It is submitted that petitioner being a habitual offender, once he is enlarged on bail he will once again abscond and will not permit the trial to conclude. Learned Senior Standing counsel produces the certified copy of the ordersheet of the learned Court below in connection with Special Case no.12A of 2013 proceeding in the Court of the Exclusive Special Court, NDPS no.2, Patna to submit that inspite of the best efforts of the Court concerned as also the respondent- DRI, it is the jail and the State authorities who were not producing the petitioner and for this reason the trial has not progressed.



6. In response, it is submitted by learned counsel for the petitioner that the petitioner has remained in custody for over 5 years since 13.3.2020 and there is no allegation against him that he has not cooperated in the learned Court below.

7. Having heard learned counsel for the parties and taking into consideration the allegations against the petitioner in the FIR together with the materials on record it transpires that while rejecting the application for bail of the petitioner vide order dated 11.1.2023, taking into consideration the petitioner having remained in custody since 13.3.2020, this Court had directed the learned trial Court to expedite the trial. Once again while rejecting the application for bail, in its order dated 30.8.2024, this Court had taken note of the fact that the learned trial Court had allowed the petitioner to appear in the trial through virtual mode. Direction was given to the Inspector General (Prison), Bihar as also the Superintendent, District Jail, Siwan for appearance of the petitioner in the learned trial Court either in physical mode or virtual mode as permitted by the learned trial Court.

8. Further from the contents of the report contained in letter no. 201 dated 19.5.2025 received from the Exclusive Special Court (NDPS) no. 2, Patna with respect to the stage of



the trial it transpires that charge having been framed in the case on 7.2.2022 the only two witnesses on behalf of the prosecution were examined on 13.4.2022 and 22.6.2022. No witness on behalf of the prosecution has been examined since then, meaning thereby that inspite of the directions of this Court in its earlier order of rejections on 11.1.2023 as also on 30.8.2024 not a single witness has been examined on behalf of the prosecution.

9. Taking into consideration the facts and circumstances of the case, the last witness on behalf of the prosecution having been examined more than 3 years ago on 22.6.2022 and the petitioner having remained in custody for more than 5 years since 13.3.2020, the Court directs the petitioner to be enlarged on bail in connection with Special Case no. (N.D.P.S.) 12(A) of 2013 arising out of DRIF No.718(II)03/SEIZ/MSRU/2013/215 on furnishing bail bond of Rs.25,000/ (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Court (NDPS) no.2, Patna on the following conditions:

1. One of the bailors of the petitioner shall be his wife .
2. The other bailor of the petitioner shall be his



father’s full brother/close relative.

3. The petitioner shall remain physically present in Court on each date of the trial and shall cooperate in the trial.

4. In case, the petitioner is absent on any single date for reasons not to the satisfaction of the learned trial Court or the learned trial Court is of the opinion that the trial is being delayed due to non-cooperation on part of the petitioner, the learned trial Court may cancel the bail bond of the petitioner and take him into custody till conclusion of the trial.

(Partha Sarthy, J)

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